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OFFICE OF PETITIONS

In re Application of :
Tiemann et al. : DECISION ON PETITION
Application No. 09/826,552 :
Filed: April 4, 2001 :
Atty Docket No. PRGY.0102270 :

This is a decision on the PETITION TO THE COMMISSIONER UNDER RULES 1.181-1.182 filed July 11, 2006.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed June 24, 2005. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under § 1.136(a). No reply considered timely filed and no extension of time considered obtained, the application became abandoned effective September 25, 2005. A courtesy Notice of Abandonment was mailed on June 29, 2006.

Applicants contend that a timely response was filed by facsimile transmission on August 3, 2005. In support thereof, applicants submit a copy of the response as filed, a copy of their facsimile confirmation sheet confirming successful transmission, and a copy of the USPTO auto-reply acknowledging receipt of a facsimile transmission sent to the Office's Centralized Facsimile number.

Petitioner's evidence and arguments have been considered and it is concluded that the requirements of 37 CFR § 1.8(b) have been met. The response is considered timely filed by facsimile transmission on August 3, 2005.

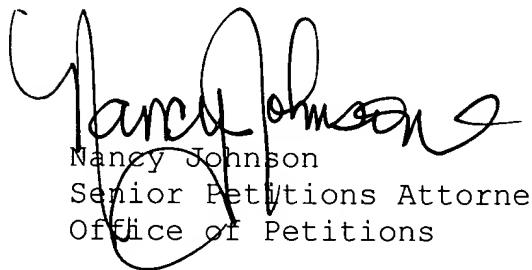
In view thereof, the Notice of Abandonment mailed June 29, 2006 is hereby vacated, and the holding of abandonment is withdrawn.

The petition under § 1.181 is GRANTED.

No fee is required on petition under § 1.181.

Technology Center AU 2153 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for consideration by the examiner of the response previously filed on August 3, 2005 and resubmitted on petition filed July 11, 2006.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions